

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Philip Galasso,

Case No. 8-15-74941-las  
Chapter 7

Debtor.

**NOTICE**

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**To The Debtor, Debtor's Counsel, the Chapter 7 Trustee, and All Listed Creditors:  
PLEASE TAKE NOTICE THAT:**

Upon the application of the United States Trustee for Region 2, a hearing will be held before the Honorable Louis A. Scarcella, United States Bankruptcy Judge of the United States Bankruptcy Court for the Eastern District of New York at 290 Federal Plaza, Central Islip, New York 11722, Courtroom 970, on **May 16, 2016 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, for the entry of an order under Rule 4004 of the Bankruptcy Rules extending the time in which a complaint under 11 U.S.C. § 727 objecting to the Debtor's discharge may be filed and under Rule 1017 of the Bankruptcy Rules extending the time in which a motion under 11 U.S.C. §707(b) may be filed and for such other and further relief as may seem just and proper.

The original application is on file with the Clerk of the Bankruptcy Court and with the United States Trustee and may be reviewed at either office during regular business hours.

Responsive papers shall be filed with the Clerk of the Bankruptcy Court, 290 Federal Plaza, PO Box 9013, Central Islip, New York 11722 in conformity with the Bankruptcy Rules and the Local Rules of the Bankruptcy Court in accordance with General Order No. 463 (which can be found at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov), the official website for the Bankruptcy Court), by registered users of the Bankruptcy Court's electronic case filing system and, by all other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), Wordperfect or any other Windows-based word processing format (with a hard-copy delivered directly to Chambers), and personally served upon the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722-4456, Attn: Alfred M. Dimino, Esq., no later than five (5) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

The hearing scheduled herein may be adjourned from time to time by announcement made in open court without further written notice.

Dated: Central Islip, New York

April 12, 2016

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE FOR REGION 2  
Office of the United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza  
Central Islip, New York 11722  
(631) 715-7800

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

HEARING DATE: May 16, 2016  
HEARING TIME: 10:00 a.m.

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In re:

Philip Galasso,

Case No. 8-15-74941-las  
Chapter 7

Debtor.

**NOTICE OF MOTION**

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PLEASE TAKE NOTICE that, upon the annexed application, the United States Trustee for Region 2 will move this Court before the Honorable Louis A. Scarcella, United States Bankruptcy Judge of the United States Bankruptcy Court for the Eastern District of New York at 290 Federal Plaza, Central Islip, New York 11722, Courtroom 970, on May 16, 2016 at 10:00 a.m., or as soon thereafter as counsel can be heard, for the entry of an order under Rule 4004 of the Federal Rules of Bankruptcy Procedure extending the time in which a complaint under 11 U.S.C. § 727 objecting to the Debtor's discharge may be filed and under Rule 1017 of the Bankruptcy Rules extending the time in which a motion under 11 U.S.C. §707(b) may be filed and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Clerk of the Bankruptcy Court, 290 Federal Plaza, PO Box 9013, Central Islip, New York 11722 in conformity with the Bankruptcy Rules and the Local Rules of the Bankruptcy Court in accordance with General Order No. 463 (which can be found at [www.nyeb.uscourts.gov](http://www.nyeb.uscourts.gov), the official website for the Bankruptcy Court), by registered users of the Bankruptcy Court's electronic case filing system and, by all other parties in interest, on a 3.5 inch disk, preferably in Portable Document Format (PDF), Wordperfect or any other Windows-based word processing format (with a hard-copy delivered directly to Chambers), and personally served upon the United States Trustee, 560 Federal Plaza, Central Islip, New York 11722-4456, Attn: Alfred M. Dimino, Esq., no later than five (5) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Bankruptcy Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Dated: Central Islip, New York  
April 12, 2016

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE FOR  
REGION 2

By: S/ Alfred M. Dimino  
Alfred M. Dimino  
Trial Attorney  
Office of the United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza  
Central Islip, New York 11722  
(631) 715-7800

TO: Philip Galasso, Debtor.  
Michael J. Macco, Esq. Debtor's Counsel  
Robert L. Pryor, Esq., Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

Philip Galasso,

Case No. 8-15-74941-las

Chapter 7

**CERTIFICATE OF SERVICE**

Debtor.

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I, Linda Kmiotek, am employed at the Office of the United States Trustee for the Eastern District of New York, hereby certify that I caused a copy of the Notice, Notice of Motion and Application for the entry of an order under Rule 4004 of the Federal Rules of Bankruptcy Procedure extending the time in which a complaint under 11 U.S.C. § 727 objecting to the Debtor's discharge may be filed and under Rule 1017 of the Bankruptcy Rules extending the time in which a motion under 11 U.S.C. §707(b) may be filed, to be served by regular mail upon the persons listed below, by mailing the same to their last known addresses.

Philip Galasso  
4 Shepperds Lane  
Sands Point, NY 11050

James Pagano, Esq.  
277 Broadway, Suite 801  
New York, NY 10007 \

Michael J. Macco, Esq.  
Macco & Stern, LLP  
2950 Express Drive South, Suite 109  
Islandia, NY 11749

Randy J. Schaefer, Esq.  
The Margolin & Weinreb Law Group, LLP  
165 Eileen Way, Suite 101  
Syosset, NY 11791

Robert L. Pryor, Esq.  
Pryor & Mandelup  
675 Old Country Road  
Westbury, NY 11590

C. Nathan Dee, Esq.  
Cullen & Dykman, LLP  
100 Quentin Roosevelt Blvd.  
Garden City, NY 11530

Ramesh Singh  
Orion  
c/o Recovery Management Systems Corp.  
25 SE 2<sup>nd</sup> Avenue, Suite 1120  
Miami, FL 33131-1605

Dated: Central Islip, New York  
April 12, 2016

**S/ Linda Kmiotek**  
Linda Kmiotek  
Legal Clerk

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

Philip Galasso,

Case No. 8-15-74941-las

Debtor.

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**MOTION OF THE UNITED STATES TRUSTEE FOR AN  
ORDER GRANTING A FURTHER EXTENSION OF TIME  
UNDER 11 U.S.C. §§707(b) AND 727**

**TO: THE HONORABLE LOUIS A. SCARCELLA;  
UNITED STATES BANKRUPTCY JUDGE:**

The United States Trustee for Region 2 (the “United States Trustee”) moves this Court for the entry of an order under Rule 1017 of the Federal Rules of Bankruptcy Procedure ( the “Bankruptcy Rules”) further extending the time periods through June 30, 2016 for the United States Trustee to move for dismissal under 11 U.S.C. §707(b) and under Rule 4004 the time for the United States Trustee and the Chapter 7 Trustee to object to the Debtor’s discharge under 11 U.S.C. §727. In support of the motion, the United States Trustee alleges, upon information and belief, as follows:

**PRELIMINARY STATEMENT**

Philip Galasso (the “Debtor”) filed a voluntary petition under chapter 7 of the Bankruptcy Code on November 17, 2015. On January 13, 2016, this case was selected for an audit. On February 12, 2016, the Court entered an order extending the Time Periods through April 14, 2016. The Report of Audit was filed on April 6, 2016. On April 11, 2016, in order to complete his investigation of items of interest identified by the Auditors, the United States Trustee requested documents and information from the Debtor. Absent the extension of time the United States Trustee’s and the Chapter 7 Trustee’s ability to investigate the Debtor’s financial situation will be

frustrated. Therefore, the United States Trustee and the Chapter 7 Trustee seek entry of an order extending the time to move for dismissal under § 707(b) or under § 727 for denial of the Debtor's discharge (the "Time Periods").

### **BACKGROUND**

1. The Debtor commenced this case by the filing of a voluntary petition under Chapter 7 of the Bankruptcy Code on November 17, 2015 (the "Petition Date"). (ECF Docket No. 1).

2. The Debtor currently resides at 4 Shepherds Lane, Sands Point, New York 11050 (the "Property").

3. Robert L. Pryor, Esq. ("Trustee") was appointed as the interim trustee on November 17, 2015 and thereafter qualified as permanent trustee, pursuant to 11 U.S.C. §702(d).

4. The Debtor is represented by Michael J. Macco, Esq. in the filing of this case. ("Counsel").

5. On January 13, 2016, this case was elected for a random audit.

6. The §341(a) meeting was held on December 15, 2016 (the "Meeting"). The Debtor appeared, was examined by the Trustee and the Meeting has been adjourned.

7. Under the audit procedure, on January 13, 2016 the Debtor was required to produce, within twenty-one (21) days or by February 3, 2016, documents requested by the auditors. (the "Document Request").

8. Upon information and belief, the Debtor produced substantially all of the documents responsive to the Document Request.

9. On April 6, 2016, the Auditor filed its Report of Audit (“ROA”). (ECF Docket No. 28). The ROA reflects that the Auditor found no material misstatement. However, the POA also indicated that there were certain items of interest which the United States Trustee should review. On April 11, 2016, the United States Trustee sent a letter to Counsel seeks certain documents and information.

10. The last date to file a complaint under 11 U.S.C. §727 or a motion under 11 U.S.C. §707 (b) is set, by prior stipulation and order, for April 14, 2016 (the “Time Periods”). (ECF Docket No. 26).

11. The United States Trustee respectfully submits that the Debtor’s need for additional time in which to comply with the Document Request and the United States Trustee’s and the Chapter 7 Trustee’s need for additional time in which to review the documents once they are received, constitutes cause to further extend the time within which the United States Trustee may file a motion to dismiss under 11 U.S.C. §707(b), or the United States Trustee and the Chapter 7 Trustee may file a complaint objecting to discharge under 11 U.S.C. §727. It is respectfully requested that the Time Periods be further extended through June 30, 2016, without prejudice to seek further extensions for cause.

12. The United States Trustee respectfully requests that as the facts and circumstances set forth do not present novel issues of law, the Court waive the requirement of the filing a memorandum of law.

**WHEREFORE**, the United States Trustee respectfully requests that the Court enter an order further extending the time within which the United States Trustee may file a motion to dismiss under 11 U.S.C. §707(b) and the time within which the United States Trustee and the Chapter 7 Trustee may file a complaint objecting to the Debtor’s discharge under 11 U.S.C. §727, up to and including

June 30, 2016, and for such other and further relief as is appropriate.

Dated: Central Islip, New York  
April 12, 2016

Respectfully Submitted,

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE FOR  
REGION 2

By : *s/ Alfred M. Dimino*  
Alfred M. Dimino  
Trial Attorney  
Office of the United States Trustee  
Long Island Federal Courthouse  
560 Federal Plaza  
Central Islip, New York 11722  
(631) 715-7800